

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
SHELBY DIVISION**

IN RE:  
Frank Holland Stillwell Sr  
Sharon Roy Stillwell  
SSN# : XXX-XX-1736  
SSN# : XXX-XX-9196

Case No. 18-40131

Chapter 13

**TRUSTEE'S OBJECTION TO CLAIM**

**The undersigned Chapter 13 Trustee objects to the following proof of claim for the specific reason as set forth herein:**

Trustee Claim #	Clerk Claim #	Creditor Name	Account Number	Filed Claim Amount	Amount Paid Through Plan	Claim Type
9	8	CRG as agent for	9987	\$20,813.14	\$20,813.14	C-Car (910)

The proof of claim filed by the creditor shows a security interest in property owned by the debtor. However, the fixing of the lien is an avoidable preference pursuant to 11 USC section 547. The claim should be treated as a general unsecured claim for purposes of the plan.

The Trustee's objection is intended to resolve the treatment of the claim under the Chapter 13 plan. It may not be determinative of the status of affected lien(s) upon discharge.

Dated: 6/11/2018

Steven G. Tate  
Chapter 13 Trustee

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**NOTICE OF OPPORTUNITY FOR HEARING**

**TAKE NOTICE** that the Chapter 13 Trustee has filed papers with the Court as follows: Objection to Claim. A copy of these paper(s) is included with this Notice or copied on the reverse side of this Notice.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief requested by the Trustee, or if you want the Court to consider your views on this matter, then on or before 7/26/2018, you or your attorney must do three things:

**1. File with the Court a written response requesting that the Court hold a hearing and explaining your position. File the response at:**

CLERK, U.S. BANKRUPTCY COURT  
401 W Trade St Room 111  
Charlotte, NC 28202

If you **mail** your response to the Court for filing, you must mail it early enough for the Court to **receive** it on or before the deadline stated above.

**2. On or before the date stated above for written responses, you must also serve a copy of your response to any other party required to be served by law.**

**3. Attend the hearing scheduled as listed below.**

If you file a response, then a hearing will be held at the following time and place:

Date: 7/27/2018

Time: 9:30 AM

Location: Cleveland County Courthouse  
Courtroom #5  
100 Justice Place  
Shelby, NC 28151

If you or your attorney do not take these steps, **a hearing will not be held**, and the Court may decide that you do not oppose the relief sought in the matter and may enter an order granting the relief sought.

Dated: 6/11/2018

Steven G. Tate, Chapter 13 Trustee  
212 Cooper St  
Statesville, NC 28677-5856  
(704) 872-0068 | general@ch13sta.com

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**CERTIFICATE OF SERVICE**

The parties whose names and addresses are listed below were served by United States first class mail, postage prepaid on 6/12/2018.

A. Owens  
Office of the Chapter 13 Trustee

CRG as agent for, Performance Finance BIN 920079, PO Box 29425, Phoenix, AZ 85038-9425  
Frank Holland Stillwell Sr, Sharon Roy Stillwell, 6118 Bailey Baxter Rd, Cherryville, NC 28021-9113  
James C Barker, RE Capital Recovery Group, 1646 Country Club Rd, Wilmington, NC 28403-4821  
Performance Finance, c/o Capital Recovery Group, Tucson, AZ 85728-4090

Total Served: 4